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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 MELANIE MacNIVEN,

No. CIV S-04-2401-GEB-CMK

12 Plaintiff,

13 vs.

ORDER

14 JO ANNE B. BARNHART,  
15 Commissioner of Social Security,

16 Defendant.  
17 \_\_\_\_\_/


18 Plaintiff, who is proceeding with retained counsel, brings this action for judicial  
19 review of a final decision of the Commissioner of Social Security pursuant to 42 U.S.C. § 405(g).  
20 On October 20, 2005, the court issued an order directing plaintiff to show cause in writing why  
21 this action should not be dismissed for lack of prosecution and failure to comply with court rules  
22 and orders regarding consent notification. That order provided that submission of a notice  
23 regarding consent would be considered an adequate response. On October 31, 2005, plaintiff  
24 declined Magistrate Judge jurisdiction. The order to show cause will be discharged.

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1                   Accordingly, IT IS HEREBY ORDERED that the court's October 20, 2005, order  
2 to show cause is discharged.

3 DATED: November 18, 2005.

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6 **CRAIG M. KELLISON**  
7 UNITED STATES MAGISTRATE JUDGE  
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